

REMARKS

Upon entry of the above amendments, claims 1-2, 4-9 and 11-13 will be all the claims pending in the application. Claim 8 has been amended based on, for example, page 2 of the specification. In addition, claim 10 has been canceled without prejudice or disclaimer.

Since entry of the amendments will reduce issues for appeal and place the application in condition for allowance, entry of the amendments is respectfully requested.

Initially, Applicants thank the Examiner for indicating that claims 1-2 and 4-7 are allowable and for rejoining claims 8-13.

Claims 10-11 are objected to under 37 C.F.R. § 1.75(c). Without conceding the merits of the objection, claim 10 has been canceled without prejudice or disclaimer. In addition, claim 8 has been amended to provide support for "C*" recited in claim 11. Accordingly, withdrawal of the objections is respectfully requested.

Claim 11 is rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. In view of the amendment to claim 8, it is respectfully submitted that claim 11 is definite, and thus withdrawal of the rejection is respectfully requested.

Claims 8-13 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 10-11 and 13-17 of copending application no. 12/140,433.

Without conceding in the merits of the rejection and to advance prosecution, Applicants submit herewith a terminal disclaimer to disclaim the terminal part of any patent granted on this application which would extend beyond the expiration of the full statutory term of any US Patent issuing from copending application no. 12/140,433.

In addition, it is submitted that the filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection.

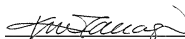
In view of the above, withdrawal of the non-statutory obviousness-type double patenting rejections is respectfully requested.

For the foregoing reasons, reconsideration and allowance of claims 1, 2, 4-9 and 11-13 is respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Keiko K. Takagi
Registration No. 47,121

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: October 27, 2009